

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Antonio Cardenas,	:	
	:	Civil Action No.: 4:18-cv-2827
Plaintiff,	:	
v.	:	
Quicken Loans, Inc.,	:	COMPLAINT
	:	JURY
Defendant.	:	
	:	
	:	

For this Complaint, Plaintiff, Antonio Cardenas, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1331, in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Antonio Cardenas ("Plaintiff"), is an adult individual residing in Spring, Texas, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant, Quicken Loans, Inc. ("Quicken"), is a Michigan business entity with an address of 1050 Woodward Avenue, Detroit, Michigan 48226, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. Within the last year, Quicken began calling Plaintiff's cellular telephone, number 713-xxx-3146, using an automatic telephone dialing system ("ATDS") and/or using an artificial or prerecorded voice.
6. When Plaintiff answered calls from Quicken, he heard a prerecorded message.
7. Plaintiff never provided consent to receive calls from Quicken.
8. In addition, Plaintiff spoke with a live representative several times and explained that Quicken had the incorrect telephone number for the person it was trying to reach and requested that all calls to him cease.
9. Nevertheless, Quicken continued to place automated calls to Plaintiff's cellular telephone number.

COUNT I **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –** **47 U.S.C. § 227, et seq.**

10. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
11. At all times mentioned herein, Defendant called Plaintiff's cellular telephone number using an ATDS or predictive dialer and/or using a prerecorded or artificial voice.
12. Defendant continued to place automated calls to Plaintiff's cellular telephone number despite knowing that it lacked consent to do so. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).
13. The telephone number called by Defendant was and is assigned to a cellular telephone service for which Plaintiff incurs charges pursuant to 47 U.S.C. § 227(b)(1).

14. Plaintiff was annoyed, harassed and inconvenienced by Defendant's continued calls.

15. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

16. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

17. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: August 16, 2018

Respectfully submitted,
By: /s/ Jenny DeFrancisco
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